IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1927 OF 2007.

Suryakant Pitambar Lokhande
and another. ... Petitioners.

Versus.

Chairman, Maan Taluka Shetkari
Sahakari Kharedi Vikri Sangh Ltd.,
and another. ... Respondents.

Shri Nitesh Bhutekar i/by Shri U.P.Warunjikar for the Petitioners.

Shri Satyajeet M.Mirajkar for the Respondents Nos.1 and 2.

CORAM : ABHAY S.OKA, J.

DATED : 16th June, 2007.

P.C.:

1. Heard the Advocate for the Petitioners. The first Petitioner made an application before the trial Court praying that Regular Civil Suit No.665 of 2003 and Regular Civil Suit No.719 of 2003 be heard together. By the impugned order, the said Application has been decided.

2. I have heard the Advocates appearing for the parties. The impugned order is not correctly reproduced in the petition. A certified copy of the impugned order has been produced. The impugned order reads thus:

> "Cause of actions for both the suits are different. Hence both the suits can not be amalgamated. Substantial issues are the same.

Hence with the consent of both the Advocates both suits to proceed at the same time and will be decided at the same time."

It is thus apparent that the order passed by the trial Court is by consent of the Advocates appearing for both the sides. In view of this position, no case is made out for interference in the writ petition under Article 227 of the Constitution of India. Writ Petition is accordingly rejected.

Judge.